

# EXHIBIT 1

RUN DATE: 11/18/86

CITY OF OREM PUBLIC SAFETY DEPART.  
INCIDENT REPORT

PAGE: 1

INCIDENT# 8622714

NATURE: SEX OFFENSE

INCIDENT DATE 11/11/86 TIMES: RECV 11:00 DISP 11:00 ARIV 11:00 CLEAR 11:00

LOCATION: 749 W 700 S ST APT: PREMISE: PRIVATE HOME

AREA/BEAT: 2 SUB-DIVISION: QUAD/GRID: 44

OFFICER: WILKINS, BRUCE REPORTED BY TELEPHONE REPORT DATE: 11/11/86

DESCRIBE OFFENSE: SEXUAL MOLESTATION

## \*\*\*\*\* PERSONS / BUSINESS INFORMATION \*\*\*\*\*

PERSON # 001 REPORTING PERSON

LAST NAME: SCHRODER DAVE

ADDRESS:

TELEPHONE: 000-000-0000

CITY: STATE:

DATE OF BIRTH: 0/00/00

RACE: WHITE SEX: MALE

HGT WGT HAIR:

FACIAL HAIR: EYES:

COMP: BUILD:

EMPLOYMENT: CHARTER CANYON HOSPITAL

ADDR:

BUSINESS # 000-225-2800

PERSON # 002 VICTIM/JUVENILE

LAST NAME: CUSTER DAVID

ADDRESS: 431 N 900 E.

TELEPHONE: 000-000-0000

CITY: AMERICAN FORK STATE: UT

DATE OF BIRTH: 2/09/72

RACE: WHITE SEX: MALE

HGT WGT HAIR:

FACIAL HAIR: EYES:

COMP: BUILD:

EMPLOYMENT:

ADDR:

PERSON # 003 VICTIM/JUVENILE

LAST NAME: SCHILL RYAN

ADDRESS: 151 S 1100 E

DAVID

TELEPHONE: 000-225-9541

CITY: OREM STATE: UT

DATE OF BIRTH: 2/21/77

RACE: WHITE SEX: MALE

HGT WGT HAIR:

FACIAL HAIR: EYES:

COMP: BUILD:

EMPLOYMENT:

ADDR:

PERSON # 004 VICTIM/JUVENILE

LAST NAME: SCHILL ROBERT

ADDRESS: 151 S 1100 E

TELEPHONE: 000-225-9541

CITY: OREM STATE: UT

DATE OF BIRTH: 12/24/71

RACE: WHITE SEX: MALE

HGT WGT HAIR:

*Edward Ross 9/14/07*

RUN DATE: 11/18/86

CITY OF OREM PUBLIC SAFETY DEPART.  
INCIDENT REPORT

PAGE:

2

FACIAL HAIR:  
EMPLOYMENT:

EYES:

COMP:  
ADDR:

BUILD:

PERSON # 005

VICTIM/JUVENILE

LAST NAME: BOLEY

RYAN

ADDRESS:

TELEPHONE: 000-000-0000

CITY: AMERICAN FORK

STATE: UT

DATE OF BIRTH: 0/00/00

RACE: WHITE

SEX: MALE

HGT

WGT

HAIR:

FACIAL HAIR:

EYES:

COMP:

BUILD:

EMPLOYMENT:

ADDR:

*Edward Ross 5/14/07*

## \*\*\*\*\* NARRATIVE/SUPPLEMENT \*\*\*\*\*

11-11-86 THIS OFFICER WAS CONTACTED BY DET. FINLAYSON FROM THE AMERICAN FORK POLICE DEPARTMENT. HE ADVISED THAT HE HAD A INCIDENT THAT AFTER HE CHECKED INTO IT, IT HAPPENED HERE IN OREM. HE ADVISED THAT A BOY BY THE NAME OF DAVID CUSTER AGE 14 HAD BEEN SEXUALLY ABUSED BY WILLIAM SCOTT HANSON WHO LIVES HERE IN OREM. DET. FINLAYSON ADVISED THAT HANSON WOULD TAKE THE BOYS OVER TO HIS HOUSE AND GIVE THEM MASSAGE AND IN THE PROCESS OF GIVING THE MASSAGE, HE WOULD HAVE THE CLOTHING OF ALL THE BOYS OFF AND ALSO HAVE HIS CLOTHING OFF ON OCCASION AND ATTEMPTED TO HAVE SEXUAL RELATIONS WITH CUTLER. FINLAYSON ADVISED THAT CUTLER IS NOW IS THE CHARTER CANYON HOSPITAL AND COULD BE INTERVIEWED THERE.

DET. BRUCE WILKINS

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11-12-86 THIS OFFICER TRIED TO GET IN TOUCH WITH CUTLERS THEROPIST AT THE CHARGER CANYON HOSPITAL FOR THE PAST 2 DAYS. ON THIS DATE, I GOT IN TOUCH WITH HIM. DAVE SCHRODER WAS HIS NAME. HE ADVISED THAT IF I COULD COME OVER ON THIS DATE AT 4:30 I COULD TALK WITH DAVID. THIS OFFICER WENT OVER AND SCHRODER GAVE ME A BACKGROUND ON CUTLER. HE THEN SHOWED ME TO A ROOM WHERE I COULD TALK WITH CUTLER.

BWW

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*were inside*

11-12-86 DAVID CUTLER 2-9-72 WAS TALKED WITH HE STARTED OFF BY ADVISING THIS OFFICER THAT HE MET SCOTT HANSON WHILE HE WAS AT A MOUNTAIN MAN OUT POST. SCOTT WAS RUNING A TRADING POST AND DAVID WANTED TO TRADE FOR A FOX SKIN. AFTER THIS WAS DONE DAVID AND 2 FRIENDS WERE STAYING UP AT THE CAMP. SCOTT ADVISED THAT THE TENT THAT DAVID WAS STAYING IN WOULD LEAK IF THE WEATHER STARTED TO RAIN. SCOTT SUGGESTED THAT DAVID AND HIS 2 FRIENDS STAY IN HIS TENT WITH HIM, WHICH THEY DID. SCOTT ADVISED TO DAVID THAT HE COULD TELL THAT DAVID WAS TENSE AND NEEDED A MASSAGE WHICH HE DID. AFTER THE MASSAGE, SCOTT TOLD DAVID THAT HE WOULD CALL HIM AND POSSIBLY TAKE HIM FLYING. SCOTT LATER CALLED AND THEY WENT TO THE BEAVER HIGH ADVENTURE BASE. THEY WENT TO THE ADVENTURE BASE. AFTER THAT THEY WENT OVER TO SCOTTS HOUSE AND SCOTT GAVE DAVID ANOTHER MASSAGE. THE MESSAGES WERE GIVEN TO DAVID VERY OFTEN. THIS OFFICER ASKED DAVID WHAT TYPE OF MASSAGE WOULD BE GIVEN BY SCOTT. DAVID ADVISED THAT SCOTT WOULD TELL HIM TO TAKE OFF HIS SHIRT AND THIS WAS TO GIVE DAVID A BETTER MASSAGE. FROM THERE, IT PROGRESSED TO ADVISING DAVID THAT HE NEEDED TO TAKE OFF HIS PANTS SO THAT HE COULD MASSAGE DAVIDS LEGS. THEN HE ADVISED TO DAVID THAT HE NEEDED TO TAKE OFF HIS UNDERWEAR SO THAT HE COULD MASSAGE HIS HIP. AS THIS WAS DONE DAVID

RUN DATE: 11/18/86

CITY OF OREM PUBLIC SAFETY DEPART.  
INCIDENT REPORT

PAGE:

3

*Edward Ross 5/14/07*

SAID THAT HE WAS VERY UNEASY AND DID NOT KNOW WHAT TO DO SO HE WENT +  
ALONG WITH IT. DAVID SAID THAT AS HE WAS GETTING MESSAGES, THE FREQUENCY  
THAT SCOTT WOULD BRUSH ACROSS THE GENITALS OF DAVID INCREASED. DAVID SAID  
THAT HE GOT VERY UNEASY.

*st's  
want  
more*  
DAVID SAID THAT IT PROGRESSED ON THE MESSAGES UNTIL LABOR DAY WEEKEND. ON  
FRIDAY AUGUST 29TH THEY WERE AT SCOTT'S HOUSE TO SLEEP. THE NEXT DAY THEY WERE  
GOING TO THE MOUNTAIN MAN RENDEZVOUS AT FR. BRIDGER. THEY WATCHED VIDEOS  
AND SCOTT ASKED DAVID IF HE WANTED A MESSAGE. DAVID SAID THAT HE DID NOT  
THINK SO. SCOTT ADVISED THAT IT WOULD MAKE DAVID FEEL BETTER. THE SAME  
SET OF CIRCUMSTANCES HAPPEND. ON THIS OCCASION, DAVID WAS UNCLOTHED AND  
SO WAS SCOTT. DAVID SAID THAT AS HE WAS BEING MASSAGED SCOTT KEPT TOUCHING  
HIS GENITAL AREA AND THE TOUCHING WAS ON THE HEAD OF HIS PENIS AND ALSO  
ON HIS TESTICLES. DAVID ADVISED THAT HE HAD AN ERECTION AND WAS SCARED  
AS TO WHAT WAS HAPPENING. AS SCOTT WAS MASSAGING DAVID'S LEGS, HE WOULD  
TOUCH THE PENIS AND TESTICLES OF DAVID A LOT. DAVID SAID THAT HE KNEW THAT  
IT WAS NO ACCIDENT THAT HE KEPT TOUCHING HIM, AND FINALLY DAVID HAD A  
CLIMAX. DAVID SAID THAT IT HURT AND FELT LIKE FIRE WAS GOING THROUGH HIM.  
DAVID SAID THAT SCOTT AT THIS TIME WAS LAYING WITH HIS FRONT TOWARDS  
DAVID'S BACK. SCOTT THEN STARTED TO RUB HIS PENIS AGAINST DAVID'S HIP. DAVID  
ADVISED THAT HE DID NOT LIKE THAT AT ALL AND WAS SCARED ABOUT WHAT WAS +  
HAPPENING. DAVID THEN SAID THAT SCOTT THEN TRIED TO PUT PENIS BETWEEN  
HIS BUTTOCKS AND TRIED TO PUT HIS PENIS IN HIS ANAL CAVITY. DAVID ADVISED  
THAT HE TIGHTENED UP HIS ANUS AND AFTER A WHILE SCOTT STOPPED TRYING.  
DAVID ADVISED THAT HE THEN WENT TO SLEEP. DAVID SAID THAT HE AND SCOTT  
DID NOT HAVE ANY CLOTHING ON AT THIS POINT. DAVID SAID THAT AFTER A PERIOD  
OF TIME HE WAS AWAKE BY SCOTT AGAIN ON TOP OF HIM AND TRYING TO PUT HIS  
PENIS IN DAVID'S ANAL AREA. DAVID ADVISED THAT HE KEPT TIGHTENING UP HIS  
MUSCLES SO THAT SCOTT COULD NOT MAKE PENITRATION. DAVID SAID THAT SCOTT  
THEN PLAYED LIKE HE WAS MASSAGING HIS LEG AND AGAIN KEPT TOUCHING HIS  
PENIS AND TESTICLES. DAVID ADVISED THAT HE AGAIN HAD A CLIMAX AND AGAIN IT  
HURT LIKE FIRE. DAVID SAID THAT HE KEPT ROLLING OVER AND FINALLY SCOTT  
STOPPED TRYING TO FORCE HIS WAY INTO HIM. DAVID ADVISED THAT SCOTT HAD  
A ERECTION. DAVID ADVISED THAT HE WAS SCARED TO SAY ANYTHING TO SCOTT  
ABOUT THE INCIDENT AND IN THE MORNING, SCOTT NEVER SAID ONE WORD ABOUT  
WHAT HAD HAPPENED. THEY WENT TO FORT BRIDGER TO THE RENDEZVOUS THE NEXT DAY  
ON SATURDAY AND WHILE THERE THEY SLEPT IN THE SCOTT'S VEHICLE. WHILE IN THE  
VEHICLE SCOTT AGAIN ASKED DAVID IF HE WANTED TO HAVE A MESSAGE. DAVID SAID  
THAT HE KNEW WHAT SCOTT WAS GOING TO DO. DAVID DID NOT KNOW WHAT TO DO.  
SCOTT AT THIS TIME DID THE SAME THING. SCOTT HAD DISROBED HIMSELF AND +  
ALSO TOOK THE UNDERWEAR OF DAVID AND PULLED THEM DOWN TO HIS KNEES. DAVID  
SAID THAT AS HE WAS MASSAGING HE DID THE SAME THING AND AS HE CROSSED FROM  
RUBBING ONE LEG TO THE OTHER, HE WOULD TOUCH DAVID'S PENIS AND TESTICLES.  
DAVID ADVISED THAT AGAIN SCOTT ATTEMPTED TO HAVE ANAL INTERCOURSE WITH HIM  
BY TRYING TO PUT HIS PENIS INSIDE OF DAVID. DAVID SAID THAT HE KEPT TIGHT-  
ENING HIS MUSCLES AND SCOTT COULD NOT GET IT INSIDE OF DAVID. DAVID SAID  
THAT HE KNOWS THAT SCOTT HAS A PROBLEM AND THAT WHAT HE DID WAS NOT RIGHT  
AND SCOTT NEEDS HELP.

DAVID SAID THAT HE WOULD TESTIFY AGAINST HIM IF NECESSARY. THIS OFFICER  
ASKED DAVID WHO OF THE OTHER KIDS THAT HE IS AROUND WOULD HE BELIEVE SCOTT  
WOULD DO THIS SAME THING WITH. HE ADVISED THAT A RYAN BULLY FROM A.F.  
WOULD ALSO POSSIBLY BE A VICTIM, SINCE RYAN SPENT A LOT OF TIME WITH SCOTT.  
DAVID ALSO ADVISED THAT A ROB SCHILL AND A RYAN SCHILL BOTH ARE HIS GIRL-  
FRIENDS BROTHERS HAVE SPENT TIME WITH SCOTT AT SCOUT CAMPS AND HE MIGHT

RUN DATE: 11/18/86

CITY OF OREM PUBLIC SAFETY DEPT  
INCIDENT REPORT*Edward Ross* 5/14/07  
PAGE: 4

OF DONE THE SAME THING TO THEM.

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11-13-86 THIS OFFICER FOUND THAT RYAN SCHILL AND ROB SCHILL WERE BOTH LIVING IN OREM, AT 151 S 1100 E, OREM, 225-9541. THIS OFFICER CALLED AND TALKED WITH MRS. SCHILL. I EXPLAINED THE CIRCUMSTANCES AND ADVISED THAT + I NEEDED TO TALK WITH RYAN AND ROB. SHE ADVISED THAT SHE WOULD BRING THEM IN TOMORROW AT 11:00 AM SINCE RYAN WOULD BE OUT OF SCHOOL.

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11-14-86 THIS OFFICER TALKED WITH RYAN SCHILL HE ADVISED THAT HE WAS 9 YEARS OLD ( 2-21-77 ) HE WAS ASKED BY THIS OFFICER IF HE KNEW SCOTT HANSON AND HE ADVISED THAT HE DID. THIS OFFICER ASKED IF SCOTT HAD EVER GIVEN HIM A MASSAGE. HE ADVISED THAT HE HAD. THIS OFFICER ASKED HIM IF THERE HAD EVER BEEN ANY THING DURING THAT MASSAGE THAT SCARED HIM. HE ADVISED THAT THERE WAS A FEW THINGS. RYAN SAID THAT HE HAD SLEPT OVER TO SCOTTS HOUSE ABOUT THE MIDDLE OR END OF JUNE. AT THAT TIME IT WAS SATURDAY NIGHT. SCOTT ASKED IF HE WANTED TO HAVE A MASSAGE. HE THEN STARTED TO GIVE HIM A MASSAGE TO RYAN. RYAN SAID THAT HE HAD TAKEN OFF HIS UNDERWEAR AND THAT AS HE WAS GIVING HIM A MASSAGE, HE WOULD RUB HIS LEGS AND IN DOING SO, WOULD MOVE AROUND AND WOULD TOUCH HIM. I ASKED IF IT APPEARED TO BE ACCIDENTAL, OR IF RYAN FELT THAT IT WAS ON PURPOSE. RYAN SAID THAT HE FELT THAT IT WAS ON PURPOSE. HE ADVISED THAT SCOTT DID NOT HAVE ON HIS UNDERWEAR. RYAN ADVISED THAT SCOTT WOULD PUT HIS KNEE UP SO AS TO REST IT AGAINST RYANS PRIVATE AREA. RYAN SAID THAT AS HE WAS MASSAGING HIM, SCOTTS KNEE WOULD RUB BACK AND FORTH AGAINST HIS PRIVATE AREA WITH HIS KNEE. RYAN SAID THAT HE + FELT THAT THIS WAS NOT AN ACCIDENTAL THING, BUT THAT IT WAS ON PURPOSE. RYAN ALSO SAID THAT AT RYANS HOUSE HE WAS BEING MASSAGED BY SCOTT AND AT THSI TIME THEY HAD THEIR CLOTHING ON AND THAT AS HE WAS MASSAGING RYAN, SCOTT WOULD RUB HIS HAND ACROSS HIS PRIVATE AREA AND SCOTT TOUCHED RYAN SEVERAL TIMES IN HIS PRIVATE AREA WITH HIS HAND. HE ALSO FELT THAT THIS WAS ON PURPOSE AND NOT AN ACCIDENT. RYAN ALSO SAID THAT THIS ALSO HAPPENED 2 MORE TIMES WHILE THEY WERE AT THE BEAVER HIGH ADVENTURE BASE. RYAN SAID THAT THE TIME AT RYANS HOUSE WAS AROUND THE FIRST PART OF SEPTEMBER. THIS OFFICER ASKED IF SCOTT EVER TALKED WITH HIM ABOUT IT. RYAN SAID THAT HE NEVER SAID A THING. I ASKED IF WHAT SCOTT HAD DONE EVER SCARED HIM. HE ADVISED THAT IT DID. I ASKED WHY DID NHE NOT TELL ANYONE ABOUT THIS AND HE ADVISED THAT HE WAS SCARED AND DID NOT KNOW WHAT TO SAY. DET. BRUCE WILKINS.

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11-14-86 THIS OFFICER TALKED WITH ROBBY SCHILL AGE 14 ( 12-24-71 ) HE ADVISED THAT HE KNEW SCOTT AND THAT HE HAD BEEN HIS ASSISTANT AT THE SCOUT CAMP. ROBBY SAID THAT HE GOT MESSAGES ALL THE TIME FROM SCOTT. ROBBY SAID THAT THEY HAPPENED ON A FREQUENT TIME FROM LATE JUNE TO MIDE AUG WHEN HE WENT BACK TO GET READY FOR SCHOOL. ROBBY ADVISED THAT ON THE MESSAGES, + SCOTT WOULD MASSAGE HIM AND THAT HE ALWAYS HAD ON HIS UNDERWEAR. THIS OFFICER ASKED IF SCOTT EVER TOUCHED HIM IN HIS PRIVATE AREA WHEN HE WAS GIVING ROBBY A MASSAGE. HE ADVISED THAT HE DID. ROBBY ADVISED THAT SCOTT AT FIRST WOULD MASSAGE HIM AND THAT HE NEVER BRUSHED BY HIS GENITAL AREA AND THAT AS TIME WENT BY SCOTT WOULD BRUSH BY HIS GENITAL AREA MORE AND MORE AND TOUCH HIM. THIS OFFICER ASKED HIM IF IT WAS A KIND OF THING THAT HE FELT WAS AN ACCIDENT OR A THING THAT WAS ON PURPOSE. ROBBY SAID THAT HE FELT THAT IT WAS ON PURPOSE. I ASKED WHY WOULD HE THINK THAT IT WAS ON PURPOSE. ROBBY SAID THAT THE MORE TIMES I GOT MESSAGES, THE MORE TIMES HE WOULD TOUCH ME. HE ADVISED THAT AS HE WOULD MASSAGE HIS LEGS, HE WOULD



RUN DATE: 11/18/86

CITY OF OREM PUBLIC SAFETY  
INCIDENT REPORT*Edward Ross* 5/14/07

PAGE:

5

RUN HIS HANDS ACROSS FROM ONE LEG TO ANOTHER AND AS HE DID THIS, HE WOULD KEEP BRUSHING HIS HANDS ON HIS GENITAL AREA. ROBBY SAID THAT HE DID NOT KNOW WHAT TO SAY TO SCOTT BECAUSE HE WAS AFFRAID TO SAY ANYTHING ABOUT IT. I ASKED IF SCOTT EVER SAID ANYTHING TO HIM. ROBBY SAID THAT HE NEVER DID SAY ANYTHING TO HIM ABOUT IT.

THIS OFFICER ASKED HIM WHERE THIS HAPPENED. HA ADVISED THAT IT HAPPENED WHEN HE WAS STAYING UP AT THE BEAVER HIGH ADVENTURE BASE.

DET. BRUCE WILKINS

11-14-86 THIS OFFICER WENT TO THE HOME OF WILLIAM SCOTT HANSON AND HE WAS THERE. HE WAS ADVISED THAT I WAS FROM THE OREM POLICE DEPT. AND ADVISED HIM THAT WE NEEDED TO HAVE HIM COME DOWN TO THE POLICE DEPARTMENT BECAUSE WE NEEDED TO TALK WITH HIM CONCERNING SOME OF THE BOYS THAT HE HAS BEEN HANGING AROUND. AS WE DROVE TO THE STATION HE ASKED IF ANY OF THE BOYS WERE IN TROUBLE. I EXPLAINED THAT I WOULD GIVE HIM ALL OF THE DETAILS AS TO WHAT THIS WAS ABOUT WHEN WE GOT TO THE STATION. WHEN WE ARRIVED HE WAS TAKEN TO MY OFFICE. HE AT THIS TIME WAS ADVISED THAT THIS WAS CONCERNING SOME IMPROPER TOUCHING BY HIM TO SOME OF THE BOYS THAT HE HAS HAD OVER TO HIS HOUSE AND ON CAMPING TRIPS. AFTER ADVISING HIM OF THIS, THIS OFFICER ADVISED SCOTT HANSON OF HIS MIRANDA RIGHTS. HE ADVISED THAT HE UNDERSTOOD THEM AND WANTED TO TALK. AS WE TALKED SCOTT HANSON WENT FROM NEVER TOUCHING THE BOYS AT ALL TO AS HE WAS MASSAGING THEM HE WOULD ACCIDENTALLY TOUCH THEM IN THE GENITAL AREA, TO THERE WERE SPECIFIC TIMES WHEN HE TOUCHED THE BOYS PURPOSEFULLY. AS WE TALKED, THIS OFFICER AT FIRST ASKED HIM IF HE EVER HAD HIS CLOTHING OFF. HE DENIED EVER HAVING HIS CLOTHING OFF, BUT THEN HE ADVISED THAT HE ONLY HAD THE TOP OF HIS GARMENTS OFF, BUT THE BOTTOMS ON. THEN HE ADVISED THAT HE DID HAVE HIS CLOTHING OFF ON OCCASION. THIS OFFICER THEN ASKED HIM ABOUT EACH OF THE INDIVIDUAL BOYS AND WHAT HE HAD DONE WITH THEM. SCOTT ADVISED THAT WITH RYAN SCHILL. HE HAD RYAN SLEEP OVER TO HIS HOUSE AND THAT WHILE SLEEPING THERE, HE WENT AND GOT INTO THE SHOWER AND WHEN HE GOT OUT HE WENT OVER AND HAD A ROBE ON AND LAYED NEXT TO RYAN. HE ASKED RYAN IF HE WANTED A MASSAGE. HE THEN WAS FACING RYAN AND HE RUBBED HIS SHOULDERS AND NECK. HE DENIED EVER HAVING TOUCHED RYAN OR EVER PUTTING HIS KNEE ON RYANS GENITALS. THEN HE CHANGED HIS STORY TO ADVISE THAT HE DID PUT HIS KNEE UP AGAINST RYANS GENITALS AND ADVISED THAT HE MIGHT OF RUBBED BACK AND FORTH WITH HIS KNEE AS HE WAS MASSAGING RYANS BACK HE ADVISED THAT THIS WAS IN LATER SEPTEMBER OR EARLY OCTOBER. THIS OFFICER THEN ASKED HIM ABOUT RYAN BULLY FROM AMERICAN FORK UTAH. SCOTT ADVISED THAT HE NEVER DID ANYTHING WITH HIM WHILE THEY WERE AT HIS HOUSE, BUT WHEN THEY WENT TO THE BEAVER HIGH ADVENTURE BASE HE AND RYAN WERE SLEEPING NEXT TO EACH OTHER AND RYAN WAS FACING AWAY FROM SCOTT AND SCOTT DECIDED TO GIVE HIM A MESSAGE. AS SCOTT WAS GIVING RYAN A MASSAGE, SCOTT ADVISED THAT HE GOT AN ERECTION AND STARTED TO HAVE " THOUGHTS AND FANTASIES " SCOTT ADVISED THAT HE HAD HIS CLOTHING ON AND THEN AS HE WAS LAYING NEXT TO RYAN BULLY, HE STARTED TO RUB HIS ERECTED PENIS AGAINST THE HIP OF RYAN BULLY. HE ADVISED THAT HE DID THIS FOR ABOUT 5 SECONDS ON THE HIP AREA OF BULLY. AS HE WAS RUBBING AGAINST BULLY SCOTT ADVISED THAT HE FELT BAD AND KNEW THAT HE SHOULD NOT BE DOING THIS. SCOTT THEN WENT TO THE BATHROOM.

SCOTT ADVISED THAT WITH RYAN BULLY THIS ONLY HAPPENED AT THE BEAVER HIGH ADVENTURE BASE. SCOTT ADVISED THAT THIS HAPPENED IN LATE JULY OR THE FIRST PART OF AUGUST.

THIS OFFICER THEN ASKED SCOTT ABOUT ROB SCHILL. SCOTT ADVISED THAT HE HAD

RUN DATE: 11/18/86

CITY OF OREM PUBLIC SAFETY DEPART.  
INCIDENT REPORT

PAGE: 6

TOUCHED ROB IN THE GENITAL AREA A COUPLE OF TIMES. SCOTT ADVISED THAT THIS HAPPENED AT THE BEAVER HIGH ADVENTURE BASE ALSO. SCOTT ADVISED THAT HE WOULD GIVE HIM MESSAGES ALSO AND THAT ON THIS OCCASION AT THE BEAVER BASE ROB WAS LAYING SO THAT HE WAS BEHIND HIM AND FACEING HIS BACK. SCOTT ADVISED THAT AS HE WAS MASSAGING HIM ON A COUPLE OF TIMES HE WOULD TOUCH ROB ON HIS PENIS. THIS OFFICER ASKED HIM IF THIS WAS ON PURPOSE OR A ACCIDENT AS HE WAS MASSAGING HIM. SCOTT ADVISED THAT IT WAS ON PURPOSE AND THAT HE DID IT FOR THE PURPOSE IN " SEEING WHAT ROB HAD ".SCOTT SAID THAT AS HE WAS MASSAGING ROB, HE GOT SEXUAL AROUSED ON A COUPLE OF OCCASIONS AND AS HE DID SO HE WOULD USE THE SIDE OF HIS HAND AND AS HE WOULD GO FROM ONE LEG TO ANOTHER IN MASSAGING ROB AND AS HE WOULD GO FROM ONE LEG TO ANOTHER, HE WOULD USE THE SIDE OF HIS HAND AND TOUCHED ROB IN A SEXUAL WAY. SCOTT ADVISED THAT AS HE WAS TOUCHING ROB, HE FELT BAD ABOUT WHAT HE WAS DOING AND KNEW THAT IT WAS WRONG. AFTER HE DID THAT HE ADVISED THAT HE TURNED OVER AND WENT TO SLEEP.

SCOTT ADVISED THAT THIS HAPPENED AROUND THE MIDDLE TO LATE PART OF THE SUMMER, AROUND JULY.

THIS OFFICER THEN ASKED SCOTT ABOUT DAVID CUSTER. SCOTT ADVISED THAT HE HAD HIM OVER TO THE HOUSE ON SEVERAL OCCASIONS TO SLEEP OVER WITH HIM. SCOTT ADVISED THAT HE DID GIVE DAVID ALOT OF MESSAGES AND THAT ON ONE OCCASION DAVID WAS SLEEPING AT HIS HOUSE AND HE GAVE HIM A MESSAGE AND HE DID RUB HIS PENIS AGAINST THE HIP AREA OF DAVID AND THAT IT WAS NEAR ONE OF DAVIDS CHEEKS NEAR THE CRACK. SCOTT ADVISED THAT HE HAD AN ERECTION AND THAT AS HE WAS SEXUALLY AROUSED,HE THEN STARTED TO RUB HIS PENIS AGAIN DAVID ON HIS CHEEK FOR ABOUT 10 SECONDS. SCOTT ADVISED THAT AFTER HE DID THIS HE ROLLED OVER AND THEN DAVID WENT TO THE BATHROOM.HE COULD TELL THAT SOMETHING WAS WRONG AND HE ASKED DAVID IF ANYTHING WAS WRONG, BUT DAVID JUST SAID THAT HE WAS FINE. DAVID THEN WENT BACK TO SLEEP. HE ADVISED THAT THIS HAPPENED ON THE NIGHT JUST BEFORE THEY WENT TO THE MOUNTAIN MAN RENDAZAUS AT FT.BRIDGER. THE NEXT DAY THEY GOT UP AND WENT TO THE MOUNTAIN MAN RENDAZAUS. THAT NIGHT THEY SLEPT IN SCOTTS CAR AND HE ADVISED THAT NOTHING HAPPENED THERE, BUT A MESSAGE TO DAVID. DET. BRUCE WILKINS SCOTT TOLD THIS OFFICER ON THE WAY HOME THAT HE WAS GLAD THAT I WAS HELPING HIM AND THAT HE DID NOT KNOW IF WHAT HE DID WAS WRONG, BECAUSE HE NEVER DID WANT TO DO ANYTHING THAT WOULD HURT THE KIDS BECAUSE HE REALLY CARED FOR THEM.FROM THIS OFFICERS OPINION, IT APPEARED TO ME THAT HE WAS NOT SORRY ABOUT TOUCHING THE BOYS, BUT THAT HE WANTED TO DO THE BEST THING FOR HIM TO KEEP HIM OUT OF TROUBLE.I ALSO ADVISED SCOTT NOT TO HAVE ANY CONTACT WITH ANY OF THE VICTIMS. HE ADVISED THAT HE WOULDN'T. BMW.

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11-17-86 THIS OFFICER TALKED WITH SHARLENE BARLOW AND SHE ADVISED THAT SHE FELT THAT THERE WAS ENOUGH FOR A SEXUAL ABUSE OF A CHILD CHARGE AND ALSO A ATTEMPTED SODOMY CHARGE. DET. BRUCE WILKINS

PROVING SUPERVISOR \_\_\_\_\_

PREPARED BY \_\_\_\_\_

*Edward Ross* 5/14/07

# EXHIBIT 2



NOALL T. WOOTTON  
Utah County Attorney  
Utah County Building  
Provo, UT 84601

OREM

DEPARTMENT, EIGHTH CIRCUIT COURT,  
UTAH COUNTY, FOURTH JUDICIAL DISTRICT, STATE OF UTAH

STATE OF UTAH,

Plaintiff,

vs.

WILLIAM SCOTT HANSON

DOB: 3/9/62

Defendant(s).

749 West 700 South  
Orem, Utah

: *Amended*  
: **INFORMATION**

: Criminal No. *860005481*  
:

NOALL T. WOOTTON, Utah County Attorney, State of Utah, accuses the defendant(s) of the following crime(s):

COUNT I

ATTEMPTED FORCIBLE SODOMY, a Second Degree Felony, in violation of 76-4-101, 102 and 76-5-403, Utah Criminal Code, as amended, in that he, on or about August 29, 1986, in Utah County, Utah, did attempt to intentionally engage in a sexual act involving the genitals of the defendant and the mouth or anus of a person 14 years of age or older.

COUNT II

~~AGGRAVATED~~ SEXUAL ABUSE OF A CHILD, a Second Degree Felony, in violation of 76-5-404.1, Utah Criminal Code, as amended, in that he, on or about June 28, 1986, in Utah County, Utah, did knowingly or intentionally touch the anus, buttocks, or genitals of a child under 14 years of age, with the intent to arouse or gratify the sexual desire of any person, or with the intent to cause substantial emotional or bodily pain to any person, and at the time of such acts, the said ~~William Scott Hanson occupied a position of special trust in relation to the child, to-wit: adult scout leader.~~

*JRS*

*1-5-87*

For Official Purpose Only  
Released by the County Attorney to

*Edward Ross 5/4/07*

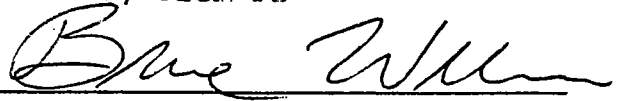
This Information is based on evidence sworn to by: Bruce Wilkins, Orem PD

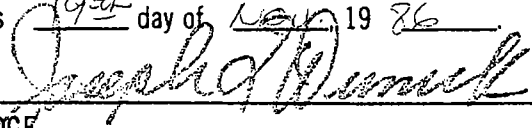
Authorized for prosecution by:

  
UTAH COUNTY ATTORNEY

Sherry Ragan  
DEPUTY

Estimated time for preliminary hearing:

  
COMPLAINANT

Subscribed and sworn to before me  
this 19<sup>th</sup> day of Nov, 19 86  
  
JUDGE

For Official Purpose Only  
Released by the County Attorney to  
Edmund Ross 5/14/07

# EXHIBIT 3

07/16/00 08:20 FAX 8

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Robert L. Moody, #2302  
TAYLOR, MOODY & THORNE  
Attorneys for Defendant  
2525 North Canyon Road  
P.O. Box 1466  
Provo, Utah 84603  
Telephone 801-373-2721

FILED  
FOURTH JUDICIAL DISTRICT COURT  
OF UTAH COUNTY STATE OF UTAH  
Oct 8, 1987  
WILLIAM F. HUNSH, CLERK  
DEPUTY

IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH COUNTY  
STATE OF UTAH

|                       |   |   |
|-----------------------|---|---|
| THE STATE OF UTAH,    | : |   |
| Plaintiff,            | : |   |
| vs.                   | : |   |
| WILLIAM SCOTT HANSEN, | : | STATEMENT BY DEFENDANT IN <sup>PL</sup>         |
| Defendant.            | : | ADVANCE OF PLEA OF <del>NO CONTEST</del> GUILTY |
|                       | : | Case No. CR 87 72                               |
|                       | : | Judge Boyd L. Park                              |

COMES NOW William Scott Hansen, the Defendant in the above entitled matter and hereby acknowledges and certifies the following:

1. I have had the assistance of counsel in reviewing and completing this form.
2. The nature of the charges against me have been explained. I have had an opportunity to discuss the nature of the charges with my attorney, and I understand the charges and the elements which the State is required to prove.
3. I understand that I am charged with the offense of Lewdness involving a child, a Class A misdemeanor. I have

07/16/00 08:20 FAX 8

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reviewed the charge and the statute and what I am told the amended Information will be.

WBA 4. I understand that the maximum penalty that can be imposed for this offense for which I am accused is one (1) year in the Utah County jail or TWENTY FIVE HUNDRED (\$2,500.00) DOLLARS. I understand the Court may impose either or both of such penalties.

WBA 5. I understand that I have the right to be represented by an attorney at every stage of the proceeding, and I know that if I cannot afford an attorney one will be appointed to represent me. I know that I have the right to plead "Not Guilty" and I know that if I do plead "Not Guilty" I can persist in that plea.

WBA 6. I know that I have the right to a jury trial. I understand that this right to a jury trial includes the following rights.

WBA a. I have the right to the assistance of counsel;

WBA b. I have the right to see and observe the witnesses who testify against me;

WBA c. My attorney can cross-examine all witnesses who testify against me.

WBA d. I can call such witnesses as I desire, and I can obtain subpoenas to require the attendance and testimony of those witnesses;

WBA e. I cannot be forced to incriminate myself, and I do not have to testify at my trial;



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WJH f. If I do not want to testify, the jury will be instructed that no inference adverse to me may be drawn from my failure to testify.

WJH g. The State must prove each and every element of the offenses charged against me beyond a reasonable doubt.

WJH h. I understand that I am presumed innocent of the charges against me and the presumption continues until and unless each member of the jury is convinced of my guilt beyond reasonable doubt;

WJH i. If I were to be convicted I would have the right to appeal that conviction, and if I cannot afford to appeal, the State will pay the costs of the appeal including the services of appointed counsel.

WJH 7. I understand that the State has the burden of proving each and every element of the charge against me to the satisfaction of each juror. I understand that the elements of the charges against me are as follows:

WJH a. That I, William Scott Hansen;

WJH b. In Utah County, State of Utah;

WJH c. Performed an act of gross lewdness under circumstances I should know will likely cause affront or alarm;

WJH d. That such act was in the presence of another who was under the age of fourteen (14) years of age;

WJH 8. I understand that should I plead No Contest to the charges contained in the Information that such plea constitutes a

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waiver of my rights as follows:

WJA a. That by pleading ~~No Contest~~ <sup>GUILTY</sup> that it is the same as entering a conviction against me and that I am giving up the following rights:

WJA 1. That by pleading ~~No Contest~~ <sup>GUILTY</sup> I am giving up my right to a jury trial, my right to the presumption of innocence, my right to confront and cross-examine the witnesses against me, and my right to remain silent.

WJA b. That by pleading ~~No Contest~~ <sup>GUILTY</sup> I am consenting to the entry of a conviction against me by the Court;

WJA c. That by pleading ~~No Contest~~ <sup>GUILTY</sup> I am waiving my right to appeal the verdict and judgment of the Court;

WJA d. That by pleading ~~No Contest~~ <sup>GUILTY</sup> I am relieving the State of its burden of proving me guilty beyond a reasonable doubt;

WJA e. That by pleading ~~No Contest~~ <sup>GUILTY</sup> I am consenting to the entry of judgment against me by the Court;

WJA 9. No agreements have been reached and no representations have been made to me as to what the sentence will be should I plead No Contest and I thereby consent to the entry of judgment against me by the Court.

WJA 10. I know that if I enter a plea of ~~No Contest~~ <sup>GUILTY</sup>, the Judge may ask me questions under oath about the offense to which the plea is entered. These questions, if asked on the record and in the presence of counsel, must be answered by me; and if I give

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false answers, I can be prosecuted for perjury.

WSH 11. The only plea agreement which I have entered into with the State is that the charges pending in Utah County and also in Beaver County will be dismissed.

WSH 12. No threats or promises of any sort have been made to induce me or to persuade me to enter into a plea agreement.

WSH 13. No one has told me that I would receive probation nor any other form of leniency because of my plea;

WSH 14. I have discussed this case and this plea with my attorney as much as I wish to. I am satisfied with the advise of my attorney.

WSH 15. My decision to enter this plea was made after full and careful thought, with the advise of counsel, and with a full understanding of my rights, the facts and circumstances of the case and the consequences of the plea.

WSH 16. I was not under the influence of any drugs, medication or intoxicants when the plea was made, and I am not now under the influence of any drugs, medication, or intoxicants.

By affixing my initials to the blank spaces above, I acknowledge that I understand the content thereof and that the statements made are correct. By signing in the place designated below, I do hereby affirm that I am doing this of my own free will and choice.

William Scott Hansen  
WILLIAM SCOTT HANSEN

Boyd A. Jark  
District Judge  
Oct 8, 1987

- 5 -  
Shirley Ragan  
Deputy Co. Atty.  
Robert Moady

# EXHIBIT 4

2788

For Official Purpose Only  
Released by the County Attorney to  
Edward Ross 5/14/07

IN THE FOURTH JUDICIAL DISTRICT COURT

UTAH COUNTY, STATE OF UTAH

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|                       |   |                               |
|-----------------------|---|-------------------------------|
| THE STATE OF UTAH,    | ) | MINUTE ENTRY                  |
| Plaintiff,            | ) | CASE NUMBER: CR 87 72         |
| vs.                   | ) | DATED: November 20, 1987      |
| WILLIAM SCOTT HANSON, | ) | BOYD L. PARK, JUDGE           |
| Defendant.            | ) | Rept.: Richard C. Tatton, CSR |

JUDGMENT AND ORDER OF PROBATION

This matter came before the Court for pronouncement of judgment on the above-named defendant on a charge of Lewdness Involving a Child, a Class A Misdemeanor. Deputy County Attorney John Allan appearing for and on behalf of the State of Utah. The defendant appearing in person and through attorney Robert L. Moody.

On the 8th day of October, 1987, the defendant entered a plea of guilty to the crime charged in the Amended Information and the matter was referred to the Adult Probation and Parole Department for a presentence investigation and report. Their report has now been received and considered by the Court and defendant's counsel has been made privy to the report.



Dr. Philip Washburn, Psychiatrist, conducted an independant evaluation of the defendant pursuant to stipulation of counsel and upon approval by the Court. The Court has also received and considered Dr. Washburn's report.

The Court requested that Dr. Philip Washburn appear and testify. Dr. Philip Washburn, psychiatrist, was sworn and testified on direct by Mr. Moody. The Court questioned Dr. Washburn. Mr. Moody continued direct examination. Cross by Mr. Allan.

Mr. Moody addressed the Court in behalf of the defendant regarding the recommendation of Adult Probation and Parole Department. Mr. Moody moved that sentencing be continued one year, that the defendant be placed on probation, and at the end of the one year period, this matter be dismissed. Mr. Moody advised the Court of the defendant's plan to move to Texas to enter graduate school. Mr. Moody requested that the Court order that the defendant is not to be involved in programs with young people and that the defendant receive further therapy. Mr. Allan responded and will waive the ISAT evaluation, however, desires the defendant to have long term therapy.

The Court called for those in the Courtroom who desired to be heard in this matter. Robert Hanson, ecclesiastical leader of the defendant, addressed the Court in behalf of the defendant. The Court again called for those who desired to be heard in this matter.

There being no legal reason having been shown why sentence should not be pronounced, it is the judgment of the Court that the defendant be sentenced to the Utah County Jail for

one year. Execution of the sentence is suspended and defendant is placed on probation for a period of eighteen months upon the following terms and conditions:

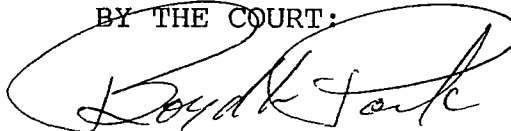
1. Defendant enter into an agreement with the Adult Probation and Parole Dept. and comply strictly with the terms of probation.
2. Defendant make himself available to the Dept. and the Court when requested to do so.
3. Defendant is not to violate the laws of the United States, State of Utah, or any municipality wherein he/she may reside.
4. Defendant is to contact Dr. Philip Washburn or another qualified psychiatrist to continue psychiatric treatment and psycho-therapy with the cooperation and approval of Adult Probation and Parole Dept. The defendant is to also seek therapy in Texas if requested to do so by the designated doctor and must arrange same through Adult Probation and Parole Department. The defendant is to pay for the expenses of all therapy.
5. Defendant is not to be involved in any youth programs that involve children in their minority during the term of his probation.

The Court will allow the defendant to go to the State of Texas. The Court will not require the defendant to serve jail time and will not require a fine or victim reparation fee.

Court retains jurisdiction to make further orders as necessary.

Dated this 20th day of November, 1987.

BY THE COURT:

  
BOYD L. PARK, JUDGE

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*Edward Ross* 5/14/07

IN THE FOURTH JUDICIAL DISTRICT COURT  
OF THE STATE OF UTAH, IN AND FOR UTAH COUNTY

\*\*\*\*\*

|                       |   |                               |
|-----------------------|---|-------------------------------|
| THE STATE OF UTAH,    | ) | MINUTE ENTRY                  |
| Plaintiff,            | ) | CASE NUMBER: CR 87 72         |
| vs.                   | ) | DATE: October 8, 1987         |
| WILLIAM SCOTT HANSON, | ) | BOYD L. PARK, JUDGE           |
| Defendant.            | ) | Rept.: Richard C. Tatton, CSR |

\*\*\*\*\*

CHANGE OF PLEA

This being the time fixed for trial of the above-named defendant. The State of Utah appearing by and through Deputy County Attorney Sherry Ragan. Defendant appearing in person and through attorney Robert L. Moody. A jury was not called pursuant to the representation of defendant's counsel that the defendant wished to withdraw his not guilty plea and enter a guilty plea.

Ms. Ragan advised the Court that the State desires to amend Count II and that the State will move to dismiss Count I upon the defendant entering a Guilty plea to the Amended Information. Ms. Ragan was sworn and executed an Amended Information in open court with the Court affixing it's signature to same. A copy was given to the defendant. The defendant waived the reading of the Amended Information.

The Court advised the defendant fully of his constitutional rights and of the consequences of entering a guilty plea. Counsel submitted Statement of Plea Agreement to the Court wherein counsel, defendant and the Court executed same. Ms.

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Edward Ross 5/14/07

Ragan stated the factual basis for the charge in the Amended Information. The Court allowed defendant to withdraw his not guilty plea. The defendant was sworn, advised by the Court of his rights, and executed the Statement by Defendant in open court, with Court and counsel affixing their signatures to same. Defendant entered a plea of **GUILTY** to the crime of **Lewdness Involving a Child, a Class A Misdemeanor** as charged in the Amended Information. Affidavit of Counsel was submitted to the Court. Ms. Ragan moved to dismiss Count I in the original Information. The defendant did not object and Court granted same. The Court accepts said plea finding it has been entered knowingly, with full understanding of his rights, that it was entered freely and voluntarily, without force, threat, or promise of reward and finding there is a factual basis for the plea.

The defendant waived the statutory time in which to be sentenced. Upon motion of defendant this matter is referred to the Adult Probation and Parole Department for a presentence investigation and report. Defendant is to cooperate fully with the department. Dr. Philip Washburn will also submit an independent evaluation.

This matter is continued to **November 20, 1987 at 8:00 a.m.** for pronouncement of sentence. Defendant is ordered to be present at that time.

Defendant is released on his own recognizance until time fixed for sentencing or as otherwise ordered by the Court.

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# EXHIBIT 5



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W. Peterson

MAR 14 2007

IN THE FOURTH JUDICIAL DISTRICT COURT

UTAH COUNTY, STATE OF UTAH

\*\*\*\*\*

|                       |   |             |          |
|-----------------------|---|-------------|----------|
| STATE OF UTAH,        | ) | Case Number | CR 87 72 |
| Plaintiff,            | ) |             |          |
| vs.                   | ) | RULING      |          |
| WILLIAM SCOTT HANSON, | ) |             |          |
| Defendant.            | ) |             |          |

\*\*\*\*\*

This matter is before the court on defendant William Scott Hanson's Motion to Suppress and is considered pursuant to Rule 3.5, Rules of Practice of the District Court.

#### OBSERVATION

Rendering a decision on this motion is extremely difficult in light of the testimony of the defendant and Detective Bruce Wilkins. The testimony of both at the suppression hearing was in conflict on most material points. This difficulty could have been avoided if the interrogation of the defendant had been recorded. The court notes that the Orem City Police have the capability of recording any such interrogations and that Detective Wilkins admitted at the hearing that such equipment was available at the time.

#### FACTS

On November 14, 1986, Detective Wilkins went to the home of the Hanson and requested that he accompany him to the

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MAR 14 2007

police station. The officer's express purpose was to question and book the defendant. (Transcript, p. 33). After arriving at the police station Hanson was advised of his rights and he stated that he understood them. During the course of the interrogation Hanson claimed to have requested an attorney on more than one occasion. Officer Wilkins admits that the defendant requested an attorney on one occasion and denies defendant made any other requests.

Direct Examination of William Scott Hanson by Mr.  
Moody

Q: Okay, then what did you ask, if anything?

A: At that time he had said when he read those rights to me that I could contact an attorney and my dad is pretty smart with stuff like that and knows what rights I had but if and he didn't say that I had a right to talk to my dad but he did say that I had a right to talk to an attorney and so then I asked him if I could talk to an attorney to find out what rights I really had.

Q: What did he say?

A: At that time he told me that I could contact an attorney but that if I did he could tell me just what would happen. The attorney would tell me to say absolutely nothing and at that point our conversation would be over and he had no way to help me.

Q: And what, if anything else, did he do after he made that statement?

A: Well, after that I realized that I was in trouble because I didn't know what rights I really had or if he had the power to do what he said he was going to do.

Q: What did he do?

A: Well, he said that if you cooperate with us we can keep you out of jail.

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MAR 14 2007

Q: Okay, after an hours worth of questions, what if any concerns did you have?

A: . . . so I said listen I don't want you to put me in jail I don't want to be belligerant and I just in a daze, I would like to find out what my rights or would it be all right if I just asked a lawyer. At that time he cursed and then he shoved the phone towards me and he said that you can call a lawyer if you would like but the minute you touch that phone our conversation is over. I will fingerprint you, take your picture and put you in jail.

Q: Okay, what if any questions did he ask you after that confrontation?

A: Well at that point I figured the only chance I had was just answer his questions to the best I could, of course that was difficult because when I told the truth about stuff he seemed to be angry and wouldn't accept it unless I phrased things a certain way. That went on for about an hour he kept asking me different questions of these boys.

Q: Another hour?

A: Yes, it was around 2:00 or 3:00 when he picked me up, and it was dark after I left his office. We were there for several hours.

Q: Okay, this was the second time that you requested for a lawyer?

A: That was the second time, yes.

Q: And after you had requested that the questioning continued each time for an hour or more is that correct?

A: I had no way of telling exactly it was about evenly paced, and I knew that I was in there for at least three hours or so.

Q: All right, after the second request and after the questioning of an hour or whatever it was, did you have another request to make of Officer Wilkins with regard to a lawyer?

A: Yes I did, that was when that was I was getting a little bit scared because I wasn't answering the questions the way that he wanted me to, and he said that if I didn't cooperate with him he would see to it that I went to prison. . .

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W. Peterson

Q: Okay.

A: And at that time I made the final request that well it wasn't the final one, but it was another request to. I said that listen I am really confused about this and I don't know what the law is, isn't it all right if I just find out from an attorney what the law is and that time he said that if I just cooperate with him for a little bit longer and he would let me go home.

Transcript, pp. 7-11.

Cross Examination of Bruce Wilkens by Mr. Moody

Q: And do you recall another conversation with regard to his understanding of his rights?

A: No, that never happened.

Q: Are you sure?

A: Yes.

Q: You didn't put any of these things in your notes did you?

A: No, I did not. I remembered how many times he asked for an attorney and that was only once.

Transcript, p.30.

Defendant also asked to talk to his parents at one point during the interrogation. He claims the request was denied. This officer states that Hanson was told he could call his family after the interrogation, and that they agreed that any communications with his family would be after the interrogation.

Direct Examination of William Scott Hanson by  
Moody

Q: Now after ten minutes of not being able to determine whether or not from Officer Wilkins whether or not you were under arrest, what if any request did you make?

A: Well, after I could see that I was getting nowhere trying to find out anything from him. I phrased the question as many ways as I could think

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MAR 14 2007

of when I ran out of ways I asked him I don't understand what is happening to me or what rights I really have, could I talk to my mom or dad.

Q: And what was his response?

A: His response was "no mom, no dad, just you and me. You have your chance here to impress me so I can help you."

Q: Okay, what if anything else did you request?

A: He, when I told him I wanted to talk with my mom or dad to find out what was going on he said after he said "no mom and no dad just you and me: he said, and I told him I didn't understand my rights, he said that well I read them to you what else to do you want. . .

Transcript, pp. 6, 7.

Direct Examination of Bruce Wilkins by Ragan

Q: . . . Did he request to use your phone at all while he was there?

A: Yes, he did.

Q: Okay, and that was in the intial part of your conversation that you have already described?

A: He did request that he wanted to call his family.

Q: Okay, and when was that?

A: That was about halfway through.

Q: Okay and what happened at that time?

A: Advised him at that time that when we got through if he wanted to contact his family that would be fine.

Q: Okay, did you tell him that he couldn't contact them?

A: After discussing it with him we decided between ourselves that we would wait until afterward and that we decided not to just go home.

Transcript, pp. 25, 26.



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MAR 14 2007

Finally, although the officer claims that Hanson never asked to leave. Hanson claims that he did ask to leave and was told he could not.

Direct Examination of William Scott Hanson by -  
Moody

Q: Okay, what if anything else did you request?

A: . . . and so I just simply said that I would like to leave.

Q: What was his response to your request to leave?

A: He said just one word, he said, "Sorry."

Transcript, p. 7.

Direct Examination of Bruce Wilkins by Ragan

Q: He didn't, did he ask if he could leave at any time?

A: No, he did not.

Q: Okay, did you respond to him "Sorry"?

A: No, I did not.

Transcript, p. 26.

DISCUSSION

The defendant correctly cites the law with regards to custodial interrogations. In Miranda v. Arizona, 384 U.S. 436 (1966) the U.S. Supreme Court stated:

Our holding . . . briefly stated . . . is this: The prosecution may not use statements, whether exculpatory or inculpatory, stemming from custodial interrogation of the defendant unless it demonstrates the use of procedural safeguards effective to secure the privilege against self-incrimination. By custodial interrogation, we mean questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way. The defendant may waive effectuation of these rights, provided the

MAR 14 2007

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waiver is made voluntarily, knowingly, and intelligently. If, however, he indicates in any manner and at any stage of the process that he wishes to consult with an attorney before speaking there can be no questioning. The mere fact that he may have answered some questions or volunteered some statements on his own does not deprive him of the right to refrain from answering any further inquiries until he has consulted with an attorney and thereafter consents to be questioned. Id. at 444, 445 (emphasis added).

In Fare v. Michael C., 442 U.S. 707 (1979) the U.S. Supreme Court after citing with obvious approval from Miranda stated:

The rule in Miranda, . . . was based on this court's perception that the lawyer occupies a critical position in our legal system because of his unique ability to protect the Fifth Amendment rights of a client undergoing custodial interrogation. Because of this special ability of the lawyer to help the client preserve his Fifth Amendment rights once the client becomes enmeshed in the adversary process, the Court found that "the right to have counsel present at the interrogation is indispensable to the protection of the Fifth Amendment privilege under the system" established by the Court. Id. at 469, 86 S.Ct. at 1625. Moreover, the lawyer's presence helps guard against overreaching by the police and ensures that any statements actually obtained are accurately transcribed for presentation into evidence. Id. at 470, 86 S.Ct., at 1625.

The per se aspect of Miranda was thus based on the unique role the lawyer plays in the adversary system of criminal justice in this country. . . the lawyer is the one person to whom society as a whole looks as the protector of the legal rights of that person in his dealings with the police and the courts. For this reason, the Court fashioned in Miranda the rigid rule that an accused's request for an attorney is per se an invocation of is Fifth Amendment rights, requiring that all interrogation cease. Id. at 719 (emphasis added). Edwards v. Arizona, 451 U.S. 477, 485 (1981).

It is apparent from the testimony the interrogation of Hanson was custodial in nature. Hanson either did not feel free to leave, or had his request to do so denied. Hanson requested

*Did he request to leave.*

an attorney at least at one point in time, and the interrogation continued on beyond that point.


For the above stated reasons the court rules:

RULING

Defendant William Scott Hanson's Motion to Suppress is granted.

DATED at Provo, Utah, this 7<sup>th</sup> day of May, 1987.

BY THE COURT:

  
BOYD L. PARK, JUDGE

cc: Utah County Attorney  
Robert L. Moody

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